

REMARKS

Applicants respectfully request further examination and reconsideration in view of the following remarks. Claims 1-9 remain pending. Claims 1, 2, 4, 5, 7 and 8 are rejected. Claims 3, 6 and 9 are objected to. Claims 3, 6 and 9 are cancelled herein without prejudice. Claims 1, 2, 4, 5, 7 and 8 are amended herein. No new matter has been added.

ALLOWABLE SUBJECT MATTER

Applicants wish to thank the Examiner for the indication that Claims 3, 6 and 8 would be allowable if rewritten in independent form including the limitations of the base Claim and any intervening Claims. Applicants respectfully point out that the objection of Claim 8 in paragraph 7 of the Office Action is a typographical error, and that the Examiner meant to indicate that Claims 3, 6 and 9 would be allowable. The current response assumes that the Examiner indicated that Claims 3, 6 and 9 would be allowable if rewritten in independent form. Applicant has amended independent Claim 1 to include the limitations of Claim 3, Claim 4 to include the limitations of Claim 6, and Claim 7 to include the limitations of Claim 9.

35 U.S.C. § 112, first paragraph

Claims 2, 5 and 8 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement and for failing to comply with the written description requirement. Claims 2, 5 and 8 have been amended

herein to include the limitation “comparing the mean or median elevation for changes in said three-dimensional models.” With reference to the current application, the specification discloses that “[r]esampling theory is used to compare the mean or median elevation for each change in the models” (page 42, lines 15-16). Therefore, Applicants respectfully assert that the claims are enabling and comply with the written description requirement, and overcome the rejections under 35 U.S.C. § 112, first paragraph.

35 U.S.C. § 102(e)

Claims 1, 4 and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent 6,501,501 by Miyazawa, hereinafter the “Miyazawa” reference. Applicants have amended independent Claim 1 to include the limitations of Claim 3, Claim 4 to include the limitations of Claim 6, and Claim 7 to include the limitations of Claim 9. Claims 3, 6 and 9 were indicated by the Examiner as being allowable if rewritten in independent form including the limitations of the base Claim and any intervening Claims. Applicants respectfully submit that Claims 1, 4 and 7 are allowable, and that a discussion of the rejection under 35 U.S.C. § 102(e) is moot at this time. Therefore, Applicants respectfully submit that Claim 2 which is dependent on Claim 1, Claim 5 which is dependent on Claim 4, and Claim 8 which is dependent on Claim 7 are also in a condition for allowance as being dependent on an allowable base claim.

## CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-9 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Dated: 16 June, 2004



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